IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Bhagwati Lal Vs. Smt. Lali & Anr.

S.B.CR.MISC. PETITION NO.1538/2006

DATE OF ORDER :: December 01, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Anuj Sahlot for the petitioner.

BY THE COURT:

Order granting monthly allowance of interim maintenance dt. 21.10.2005 passed by the Judicial Magistratet, Nathdwara (for short 'the trial court' hereinafter) was challenged by the petitioner before the Additional Sessions Judge, Nathdwara (for short 'the revisional court' hereinafter), whereby the revisional court vide order dt. 24.7.2006, dismissed the revision petition filed by the petitioner. Hence, this criminal misc. petition.

I have heard learned counsel for the petitioner. Carefully gone through the orders passed by both the courts below.

It has not been disputed that the non-petitioner No.1 is the wife of the petitioner and non-petitioner No.2 is his son born out from the wedlock. In reply to the application filed under section 125 Cr.P.C., the petitioner admitted that non-petitioner No.1 is his wife by "Nata" according to the custom. The trial court, during the pendency of the application under section 125 Cr.P.C., granted the monthly allowance of interim maintenance at the rate of Rs.750/- each per month in favour of non-petitioners. In my view, the order granting monthly allowance of interim maintenance cannot be said to be erroneous. In the circumstances, therefore, no case for interference is made out.

The petition is, therefore, dismissed. However, the trial court is directed to dispose of the main application filed by the non-petitioners utmost expeditiously.

[H.R.PANWAR],J.

m.asif/-